

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Filed by: Trial Section Merits Panel
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Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DOV MAOR,

Junior Party,
(Application 07/998,771)¹

v.

KAI LANGE,

Senior Party.
(Application 08/150,020)²

Patent Interference No. 103,806

Before Schafer, Lee and Torczon, Administrative Patent Judges.

LEE, Administrative Patent Judge.

¹ Filed Dec. 29, 1992. Accorded the benefit of application 07/755,649, filed September 6, 1991, and Israel application 96578, filed December 6, 1990. Assigned to General Electric Company.

² Filed November 8, 1993. Accorded the benefit of PCT application PCT/EP91/02045, filed October 23, 1991, and Danish patent application 2577/90, filed October 26, 1990. Assigned to General Electric Company.

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Judgment

On December 15, 1998, senior party Lange filed a paper informing the Board that junior party Maor's involved application has been assigned to General Electric Company, the assignee of the senior party's involved application, and thus the involved cases of both parties are now commonly assigned. (Paper No. 13).

On December 24, 1998, the common assignee was ordered to show cause why judgment should not be entered against the junior party. (Paper No. 15). The paper indicated that a proper response to the show cause order can be an election of the junior party as the prior inventive entity based on evidence available to the common assignee.

On June 8, 1999, party Lange filed a paper electing junior party Maor as the prior inventive entity with respect to the subject matter of the count of this interference. (Paper No. 17). It is presumed that this election is filed on behalf of the real party of interest or common assignee of both party's involved application, i.e., General Electric Company.

Based on the election by the common assignee, it is

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ORDERED that judgment is entered in favor of junior party
Maor and against senior party Lange;

ORDERED that Kai Lange is not entitled to his application
claim 12 which corresponds to the count;

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ORDERED that on this record, Dov Maor is entitled to his application claim 18 which corresponds to the count; and

FURTHER ORDERED that the preliminary statement of party Maor is returned to party Maor.

Richard E. Schafer)	
Administrative Patent Judge))	
)	
)	
)	BOARD OF PATENT
)	APPEALS
Jameson Lee)	AND
Administrative Patent Judge))	INTERFERENCES
)	
)	
)	
)	
Richard Torczon)	
Administrative Patent Judge))	

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By Federal Express

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